APPENDIX A.

Tennessee Code Annotated.

Section 16-304.

16-304. **Jurisdiction.**—The jurisdiction of the court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law upon the present Supreme Court.

The court has no original jurisdiction, but appeals and writs of error, or other proceedings for the correction of errors, lie from the inferior courts and court of appeals of law and equity, within each division, to the Supreme Court as by this Code provided. [Code 1858, § 4496 (deriv. Acts 1822, ch. 13, § 4); Acts 1870, ch. 24, § 8; Shan., §§ 377, 6329; mod. Code 1932, §§ 634, 10631.]

APPENDIX B.

Rules of the Supreme Court of the State of Tennessee.

Rule 32.

Rehearing.—Petitions for rehearing, before being presented to the court, will be furnished to the opposite counsel; and after both sides have prepared briefs, the record, together with the petition and briefs, will be presented to the court without argument. If the court determines that the cause shall be reheard, the change of opinion will be announced, or the counsel will be notified, and the point or points on which reargument is desired will be indicated, and the time for reargument designated. But petitions for rehearing must, in all cases, be presented to the court within ten days after the opinion in the case sought to be re-examined is announced, except decisions made within the last ten days of the term, and, in such cases, the petition must be presented as soon after the decision is made as practicable, and prior to adjournment of the term. No petition will be received on the last day of the term, other than in cases then decided.

A rehearing will be refused here no new argument is made, and no new authority adduced, and no material fact is pointed out as overlooked. (76 Tenn. 763; 79 Tenn. 7; **Louisville & N. R. R. Co. v. United States Fidelity & Guaranty Co.**, 125 Tenn. 658, 691-693, 148 S. W. 671.)

No second petition for rehearing shall be filed by any of the Clerks of this Court unless application has been made and special leave obtained from the Court, or a Judge thereof.

APPENDIX C.

Rules of the Supreme Court of the State of Tennessee.

Rule 14 (4) and (5).

(4) **Error Waived or Cured.**—No assignment of error in any civil or criminal case, tried by the chancery, circuit, criminal, or special law courts of this State and brought to this Court for review, can be predicated upon any alleged error of the trial court consisting of an omission or affirmative action, in the organization of the court, the grand jury, trial jury, or for any defect in the pleadings or for any mistake, irregularity or error in the conduct of the case, unless it affirmatively appears in the record that the omission, action, defect or error was seasonably called to the attention of the trial judge and ruled on adversely to the plaintiff in error, otherwise the same will be treated as having been waived, or cured in the trial court.

(5) **Motions for New Trial and in Arrest of Judgment Essential, When.**—Error in the admission or exclusion of testimony, in charging a jury, or refusing further instructions, misconduct of jurors, parties or counsel, or other action occurring or committed on the trial of the case, civil or criminal, or other grounds upon which a new trial is sought, will not constitute a ground for reversal, and a new trial, unless it affirmatively appears that the same was specifically stated in the motion made for a new trial in the lower court, and decided adversely to the plaintiff in error, but will be treated as waived, in all cases in which motions for a new trial are permitted; nor will any supposed matter in arrest of judgment be considered unless it appears that the same was specifically stated in a motion, seasonably made in the trial court, for that purpose, and held insufficient. This

is a court of appeals and errors, and its jurisdiction can only be exercised upon questions and issues tried and adjudged by inferior courts, the burden being upon the appellant, or plaintiff in error, to show the adjudication, and the error therein, of which he complains (**Railroad Co. v. Johnson**, 114 Tenn. 632, 640, 88 S. W. 169; **Wood v. Frazier**, 86 Tenn. 500, 501, 8 S. W. 148; **Jacks v. Williams-Robinson Lumber Co.**, 125 Tenn. 123, 140 S. W. 1066; **Hobbs v. State**, 121 Tenn. 413, 118 S. W. 262; **Tennessee Central R. R. Co. v. Brown**, 125 Tenn. 351, 143 S. W. 1129).